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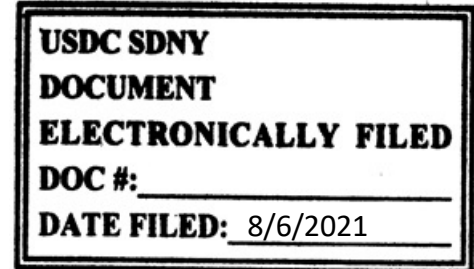
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Admitted in Oregon and California

August 2, 2021

VIA CM/ECF

The Honorable Magistrate Judge Katharine H. Parker
500 Pearl Street, Room 750
New York, NY 10007



Re: ***Sparrow Fund Management, LP v. MiMedx Group, Inc. et al.***
Case No. 1:18-cv-04921-PGG-KHP

Dear Judge Parker:

In response to the Court's Order dated July 29, 2021 (CM ECF No. 242), Plaintiff Sparrow Fund Management LP hereby responds as follows: Sparrow will at this time seek to transfer venue of its pending motion to compel against Axos Bank (CM ECF No. 231), to the Southern District of California pursuant to FRCP 45. Ultimately, however, Sparrow intends to ask the Southern District of California to send the motion to compel right back to this Court. Sparrow implores Axos Bank to simply agree to venue in this Court. This Court is familiar with the issues, the long history of the case, and the various privileges at issue, making this Court the ideal venue for resolution of the motion to compel.

Sincerely,

HARRIS BERNE CHRISTENSEN LLP

Adam S. Heder
Admitted Pro Hac Vice

cc: All Counsel of Record (via email)
cc: Counsel of Records for Axos Bank (via email)

Given Sparrow's intent to transfer the pending motion to compel to the Southern District of California, the Court will not compel Axos Bank to appear at the August 18, 2021 conference. To the extent that the Southern District in California finds that the motion should be addressed by this Court, the Court will assess and address the motion at that time. Accordingly, Sparrow's pending motion to compel at ECF No. 231 is DENIED without prejudice.

SO ORDERED:

HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

Date: August 6, 2021

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